

REMARKS

Examiner Divecha is thanked for the careful consideration given to the present application, as reflected in the office action of August 22, 2006. Reconsideration and allowance of the instant application are respectfully requested.

The amendments to claim 1 are non-narrowing and are intended to clarify that the connection with the interface card is not necessarily one in which the card is physically held. The amendments to claims 2-11 and 14-16 are made to address the Section 112 rejection of those claims. The new claims are supported in the original specification (see paragraph bridging pages 6 and 7 of the specification).

Additionally, the claims stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. patent no. 5,963,916 to Kaplan (Kaplan) in view of U.S. patent no. 6,078,928 to Schnase (Schnase) and further in view of allegedly admitted prior art. For some claims, the rejection relies upon U.S. Patent 6,594,692 to Reisman. Reconsideration and allowance of claims 1-48 are respectfully requested.

The Kaplan reference appears to relate to an apparatus and method for preview of music products and compilation of market data. Evidently, in Kaplan, a kiosk-type system may be used to present media choices to customers, according to the purported teachings thereof. As the Examiner acknowledges, however, Kaplan does not teach certain claim limitations. Specifically, Kaplan fails to disclose an integrated circuit card interface and a controller responsive to receipt by a data interface of media files, to compare each of the received media files received from the data interface with the criteria from an integrated circuit card.

This deficiency, however, is said to be supplied by the Schnase reference. The Schnase reference evidently is directed towards some sort of kiosk-type device in which a customer (such as a visitor to a museum), may insert a “smart card” or similar device. A smart card contains a data structure with various fields including those designed to store biographical information about the visitor. An index is created on the card, along with an interest profile concerning a visitor. The interest profile is said to “provide a means for refining, expanding, and tailoring the information delivered both to visitors and to the cultural institutions.” Col. 13, ln. 31-33. According to the Examiner, “this process of extracting the information by using the indexes

involves the processes of comparing the criteria with the information at the contacted databases.” Office Action, page 4.

The Reisman reference is relied on for the rejection of claims 11, 12, 15, 15, 19, 25, 30, and 36-39. Specifically, Reisman is cited for its purported teachings of a wireless network, for encrypting objects, for a media content comprising a video game, for a DVD and computer disk drive, and for Bluetooth connectivity.

The Schnase reference (the only reference in which the interface card is allegedly found) is distinct from the claimed invention. In the claimed invention, media files are received at the data interface, and the media files are compared to the criteria in the interface card – in other words, the comparison and storage decision occur after the media files are received at the data interface. In contrast, in Schnase, to the extent that “media files” are shown or suggested, only the selected information is received. For instance, at col. 10, lines 39-45, Schnase states:

For example, upon selecting a particular exhibit to review (by, for example touching the touch screen display 7 adjacent to the highlighted exhibit as shown in FIG. 4), the kiosk computer interacts with the stored database of exhibit information and extracts that information related to the selected site, exhibit or item.

Schnase is thus distinguishable, and indeed teaches away from the claimed invention in this respect. The Examiner has pointed to col. 1, ll. 21-67 and col. 13, l. 60 et seq. for a disclosure of this aspect of the claimed invention, but, as seen from the above passage, the teachings of Schnase are distinct. The Reisman reference, which is cited for ancillary features of certain dependent claims, would not have overcome this deficiency. Because Schnase is the only reference in which an interface card is said to be found, and because Schnase is distinguishable, the rejection is improper and must be withdrawn as to all claims of the application.

With regard to the new claims, the combination of Kaplan with Schnase would not lead to this embodiment of the claimed invention. The Schnase reference is directed exclusively towards use of a “smart card” by the customer, not the proprietor of the device. Accordingly, Schnase teaches away from a system in which the card is accessible only to the proprietor. Again, the Reisman reference would not have overcome this deficiency.

Based on the foregoing, Applicant respectfully submits that the application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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